

Status of Drought Report Recommendations

Response Working Group

March 1998

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Introduction

This information is a summary of the status of recommended actions identified in the Western Governors' Association *Drought Response Action Plan* and the Federal Emergency Management Agency's *Drought of '96* report. While several of these recommendations serve as the basis for items in the Western Drought Coordination Council's work plan, others are policy-related and are not being addressed by the Council.

For descriptions of the effects of drought and policy responses in 1996, please refer to the Western Governors' Association *Drought Response Action Plan*. Contact WGA at 303-623-9378 to request a copy. The executive summary of the Federal Emergency Management Agency's report, *Drought of '96*, is available on the internet (http://enso.unl.edu/ndmc/impacts/fematf.htm).

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ISSUES IDENTIFIED IN FEMA'S "DROUGHT OF '96" REPORT: LEGISLATIVE

Legislative Issue #1: Drought has caused a shortage of feed and available lands for grazing, driving up the cost beyond that which is economically feasible for ranchers to absorb. The Emergency Livestock Feed program which would have provided financial assistance to offset the cost of feed was suspended by Congress as a part of the new 1996 farm bill.

Recommendation: Reinstate the Emergency Livestock Feed program.

Status: It would take Congressional action to reinstate the Livestock Feed Programs (LFP). For the 1996 crop year only, assistance was provided under the DRAP using funds derived from the sale of Commodity Credit Corporationinventory which was specifically set aside in a Disaster Reserve to be used only for livestock assistance. All of the grain has been sold and there are very limited funds remaining. There is no authority to put additional grain in the reserve or for additional funds.

Legislative Issue #2: The Reclamation States Emergency Drought Relief Act (PL102-250) was passed in 1991 and provided authority for the Bureau of Reclamation to provide temporary drought activities, many of which would be extremely useful in the current drought situation. This law expires in 1996 unless reauthorized.

Recommendation: Reauthorize the Reclamation States Emergency Drought Relief Act (PL102-250) for a period of 5 years and provide sufficient funding to allow for its implementation. The states consider this assistance essential.

Status: Authorized actions under Title I of PL 102-250 expire in the year 2002. Authorized actions under Title II have no expiration data. The authority for appropriations originally expired in 1996, but was extended in 1997 when Congress made an additional appropriation. The extension of appropriations is always possible at the discretion of Congress.

Legislative Issue #3: Currently under Title III of Public Law 96-220 (Section 7(b)(2)), if the Secretary of Agriculture declares a natural disaster due to agricultural losses, which activates FSA's EM loan program, the Small Business Administration's (SBA) EIDL program is automatically available to small businesses dependent on water supplies like marinas or resorts farmers and ranchers. Potentially there are many of these businesses that are, or will be, impacted by the drought and will are not be eligible for assistance.

Recommendation: Give consideration to amending the law to provide eligibility for those small businesses that are directly impacted by the physical effects of drought as well as the businesses now eligible due to their dependency on the farmers and ranchers in areas designated by the Secretary of Agriculture as drought disaster areas.

Status: Congressional action would be needed to amend the law. At this time, SBA has not taken a position on this issue.

ISSUES IDENTIFIED IN FEMA'S "DROUGHT OF '96" REPORT: LEGISLATIVE

Legislative Issue #4: The US Army Corps of Engineers (USACE) has authority in PL 84-99 and PL 95-51 to construct wells and transport water for human use on an emergency basis in droughtdistressed areas. The eligibility criteria for the program are specific and have been used to assist localities facing a drought situation impacting human consumption. However, current policy precludes the program from being used for livestock. Several states are beginning to see the potential for large segments of the population to be without potable water; and livestock is affected as well.

Recommendation: Loosen up the eligibility criteria for the provision of emergency water under PL 84-99 and PL 95-51. Provide assistance based on a request from a Governor for such assistance, and on a cost-sharing basis where there is a valid emergency requirement in a drought-declared disaster area.

Status: The COE has not taken action on this recommendation.

Legislative Issue #5: When USDA implements its disaster programs under its own authority, it does so with its on-board staff, which in many cases has been reduced significantly throughout the current budget process. This causes delays in making program decisions and processing applications for assistance leading to adverse impacts on affected farmers and ranchers.

Recommendation: Provide the Secretary of Agriculture with authority and funding to allow for augmentation of the USDA permanent staff under a Secretarial designation of natural disaster. Amend the recently passed Farm Bill to provide for this needed augmentation of staff.

Status: FSA is continuing to down-size its staff at the county, State, and national levels. However, in late FY 97, due to a shortage of personnel, nationwide, to process and service loans, Farm Loan Programs was given authority to hire a total of 300 additional employees in both FY 97 and 98. As of 1/16/98, 147 vacancies were announced, of which 117 have been filled. FSA is hoping to announce the remaining vacancies this year.

Executive Branch Issue #1: Some states and the educational sector believe there is a need for national data bases, clearing houses, and bulletin boards for drought information such as water supply issues, response resources, emergency livestock feed information, and climate and meteorological data. Several federal agencies already have bulletin boards or homepages which include drought aspects. Drought monitoring products such as the Crop Moisture Index and Palmer Drought Index maps are available electronically and are regularly disseminated through a variety of media jointly by USDA and Department of Commerce's National Weather Service. These are examples of products that could be included and expanded upon by various federal agencies.

Recommendation: Clearing houses and/or bulletin boards with drought information, as inclusive as impossible with available resources, would be helpful. Either a single federal agency, or a variety of federal agencies contributing to a single location, or private sectorsponsored effort, might be effective. Analysis of the cost of data base development and maintenance and usefulness of data bases could be undertaken.

Status: The National Drought Mitigation Center's (NDMC) website addresses these issues, and can also be modified to include information to make it more complete to its audience. All relevant federal web sites/products with useful "drought related" information is already linked through the NDMC site, and updating of the web site is an ongoing process. The Western Drought Coordination Council has also been completed to links to the NDMC web site for additional information.

Executive Branch Issue #2:
Declaration processing, program decision making, and processing of applications for assistance in many cases takes too long to get the assistance in the hands of those impacted. The programs are treated as routine, rather than of a disaster emergency nature requiring rapid action. USDA agencies were mentioned during the identification of this problem area.

Recommendation: Look for and implement methods to expedite the assistance process within each of the federal agencies with program services.

Status: Input from FSA State Offices (STOs) is imperative to determining if the loss requirement for authorizing a Secretarial disaster designation has been met. A training session for STOs was held in April 1997 to review the process and emphasize the importance of expediting the process. New hardware and software has been placed in the national office responsible for the final review. Additional hardware and software would be beneficial to enhance and expedite this effort.

In an effort to provide better service to producers seeking emergency loan assistance, FSA revised its application form in March 1997. This revision simplified the application process by consolidating numerous certification and notification forms into the application without increasing the number of pages. By doing so, FSA eliminated eight forms that producers previously received with the application. FSA continues to look at innovative ways to expedite the application process while assuring compliance with the law.

FSA does recognize the importance of rapid action and has greatly improved the delivery system of this program and shortened the response time frame.

Executive Branch Issue #3: As the Federal Crop Insurance Program (USDA, 7 USC 1501-1502) is presently operated, a farmer who has to make a decision not to plant a covered crop due to the lack of moisture, with the almost certain outcome the seed would not germinate, is not eligible for crop insurance payments, even though in fact the farmer has sustained a loss of that annual crop. The crop insurance contract which is codified in federal regulations states: "Inability to plant the insured crop with proper equipment by the final planting date....You must have been unable to plant the insured crop due to an insured cause of loss that has prevented the majority of producers in the surrounding area from planting the same crop." Farmers perceive inequity in the situation such that if the farmer put the seed in the ground, it would have been wasted, but he would be eligible for insurance payments; while USDA considers additional factors such as whether the farmer made a management decision not to plant rather than being in a "prevented planting" situation. This "Catch 22" has adversely impacted bean industry farmers in Colorado

Recommendation: States suggest removal of the existing requirement for a crop to have been planted to establish program eligibility. They prefer the decision be made based on the facts and conditions at the time. If the farmer's decision was prudent and justifiable, approval of the insurance payment would be warranted.

Status: As noted in the attachment on (USDA) Secretary Glickman's announcement of increased prevented planted coverage, FCIC has improved the prevented planted coverage for producers. General qualifications are that the maximum number of acres of the crop planted or insured in any one of four most recent crop years are eligible for prevented planting coverage. The minimum number of acres that must be affected before a prevented planting payment may be made is the lessor of 20 acres or 20 percent of the acreage in the insurance unit. Eligible acres may be increased if producers provide proof that additional acreage was purchased or leased in time to plant it for the current crop year. For drought coverage on non-irrigated acreage, the area that is prevented from being planted must be classified by the Palmer Drought Severity index as being in a severe or extreme drought. For irrigated acreage, there must be an inadequate water supply to carry out an irrigated practice.

Executive Branch Issue #4: With the number, size and severity of the wildfires occurring throughout the west, and the likelihood of their continuance throughout the summer, wildfire resources and the funding to support these resources is critical and a matter of concern. (USDA and the Department of the Interior) Recommendation: Provide additional funding to mobilize adequate fire suppression resources for the summer fire season, geographically positioned throughout the west. Crews, tankers, helicopters, etc., to provide for the recovery activities after the fires have been put out.

Status: This recommendation assisted some western states in obtaining additional suppression dollars during critical times in 1996. Decisions on positioning of resources are made at the regional and national levels by multi-agency coordinating groups that have state representation. The need to continue the intent of this recommendation is on-going.

Executive Branch Issue #5: There is no existing institutionalized structure at the federal level to address drought. Lack of a lead federal agency to provide overall coordination adversely impacts states and affected segments of the population who are attempting to deal with the situation.

Recommendation: Identify an agency-in-charge to coordinate and manage the federal government's resources applicable to the existing drought, while the longer-term issue of institutionalizing the organization response of the federal government is evaluated. FEMA suggests this responsibility be given to USDA.

Status: USDA has been appointed the lead federal agency on drought. However, it should be pointed out that this is not the statutory equivalent of FEMA as the lead federal agency on floods.

ISSUES IDENTIFIED IN FEMA'S "DROUGHT OF '96" REPORT: LONG-TERM LEGISLATIVE

Long-Term Legislative Issue #1: The federal government does not have a national drought policy, national climatic monitoring system, nor an institutionalized organizational structure to address drought. Therefore, every time a drought occurs the federal government is behind the power curve playing catch up in an ad hoc fashion to meet the needs of the impacted states and their citizens.

Recommendation: Congress, in coordination with the administration, should develop and adopt a National Drought Policy to include a national drought monitoring system and an institutionalized structure with a designated lead federal agency to direct and coordinate the efforts of the federal government in preparing for, responding to, and recovering from drought, as well as mitigating the impacts of drought.

Status: See S222 or HR 3035.

Long-Term Legislative Issue #2: The agricultural community would be better served by funding emergency programs at the state level. Recommendation: Issue block grants to the states, once an emergency/disaster is determined, to allow the state FSA Office (USDA) and the State Department of Agriculture to determine the best method of providing assistance and program administration.

Status: Within FSA, specific allocations are made based on State need and available funding for the Emergency Conservation Program only. No other FSA programs are administered this way. Funding allocations and criteria vary by program. FSA does not have authority to issue a block grant to a state.

Long-Term Executive Branch Issue #1: FEMA has announced national mitigation strategies for natural disasters, but drought is not currently included under this strategy. It is one of the more costly natural disasters, one that offers many opportunities for mitigation and, therefore, should be included under this strategy.

Recommendation: FEMA should take action to include drought as one of the natural hazards to be addressed under the National Mitigation Strategy.

Status: Drought has not been addressed under the National Mitigation Strategy.

Long-Term Executive Branch Issue #2: FEMA as an agency has not been formally associated with the National Drought Mitigation Center at the University of Nebraska--Lincoln. Recommendation: FEMA should become an active supporter/sponsor of the activities of the National Drought Mitigation Center and provide a member to the NDMC Advisory Board. Status: While FEMA has not become an active supporter/sponsor of the NDMC directly, FEMA has provided financial support for the activities of the Western Drought Coordination Council which is supported by the NDMC.

RECOMMENDATIONS FROM WGA'S "DROUGHT RESPONSE ACTION PLAN": DROUGHT MANAGEMENT

Drought Management Recommendation #1: Develop a national drought policy or framework that integrates actions and responsibilities among all levels of government (federal, state, regional, and local). This policy should plainly spell out preparedness, response, and mitigation measures to be provided by each entity.

Status: Development of a national drought policy framework would be undertaken by a federal advisory committee under the current language of S222. The bill has passed the Senate and has been introduced in the House.

Drought Management Recommendation #2: Ensure that each state develops a drought contingency plan that includes early detection, monitoring, decision-making criteria, short- and long-range planning, and mitigation. Programs addressing public awareness and education on drought and water conservation should also be included.

Status: The NDMC continues to work with states in drought plan development. A project is proposed through the WDCC for drought contingency planning programs to facilitate this process. The program would include monetary and/or technical support as well as additional drought planning workshops.

Drought Management Recommendation #3: Establish a regional drought policy and coordinating council to develop sustainable policy, monitor drought conditions and state responses, identify impacts and issues for resolution, facilitate interstate activities, and work in partnership with the federal government to address needs brought on by the drought. The council--consisting of policy makers and drought managers--would assist states in developing drought preparedness, response and mitigation action plans. Finally, it could heighten awareness of drought and its impacts at both the Administration and Congressional levels of government.

Status: The Western Drought Coordination Council has been established. The Council held its first meeting on June 12, 1997, and four working groups are implementing the Council's work plan. (See attached WDCC briefing paper for more details).

Drought Management Recommendation #4: Establish a federal interagency coordinating group with a designated lead agency for drought coordination with states and regional agencies. This group should determine the federal government's role in drought response and mitigation. They should also seek to focus federal response and information so that states and local governments have access to "one-stop shopping."

Status: A federal interagency coordination group was formed to facilitate the establishment of the WDCC. The group meets periodically to maintain Federal coordination and provide continued support for WDCC activities.

Drought Management Recommendation #5: Provide federal funding for the National Drought Mitigation Center to assist states with drought preparedness, planning and mitigation. This center should serve as a clearinghouse for information on mitigation, planning, and preparedness activities; provide a regional/national climate monitoring system; and develop a national/regional database of state drought response resources.

Status: Congress is providing continued funding for the NDMC through May 1999 through USDA's special grant program. USDA management is also working to get more permanent funding mechanisms for the NDMC in place. NDMC and WGA staff have also been briefing members of the Ag Appropriations Committees in the House and Senate to build support for continued funding.

RECOMMENDATIONS FROM WGA'S "DROUGHT RESPONSE ACTION PLAN": DROUGHT MANAGEMENT

Drought Management Recommendation #6: Ensure that drought is an essential element in any national discussion of water policy. This is particularly true for western water policy, where water is critical to the region's sustainability. Drought must also be addressed as an integral part of the Western Water Policy Review Commission's assessment currently in progress.

Status: Most of the recommendations included in Don Wilhite's report on drought to the Western Water Policy Review Advisory Commission were included in their draft report. The commission created by S222 (HR 3035) would further assist in this process.

RECOMMENDATIONS FROM WGA'S "DROUGHT RESPONSE ACTION PLAN": AGRICULTURAL

Agriculture Recommendation #1: USDA response times to officially declare a drought-related disaster must be dramatically decreased.

Status: Processing of this function has been greatly enhanced and expedited.

Information from State FSA offices (STO) is required to make a final determination. Training was provided for STO personnel to ensure they understood their role and the importance of expediting the process. Additional hardware and software at the national office has also helped to expedite the process at that level.

It must be understood, however, that there must be a 30 percent loss of production in a single enterprise before a request can be approved. Until a crop is harvested and actual production information is available, crop loss cannot be determined. Therefore, with drought, unlike disasters like a hail storm that can destroy the entire crop, it is impossible to make an early determination of eligibility. If there is a request for a designation early in the growing season, the determination is often deferred until such time as production evidence is available. However, once production evidence is available, determinations are made as quickly as possible.

Agriculture Recommendation #2: USDA must provide additional funding for the Farm Service Agency. Additional personnel are needed in state field offices when emergency programs are being implemented.

Status: No additional funds have been provided. FSA continues to downsize staff at all levels.

Agriculture Recommendation #3: FCIC should fulfill its obligation to provide crop insurance to producers in all states.

Status: FCIC continues to expand its crop coverage on new crops and in new counties. Expansion requests are welcome and should be submitted to the appropriate Regional Service Office. Actuarial integrity must be maintained.

Agriculture Recommendation #4: Emergency assistance programs, such as the Emergency Livestock Feed Assistance Program and the Drought Reserve Assistance Program, should be extended through 1997 or the duration of the Southwest drought.

Status: Livestock Feed Programs were suspended by the 1996 Farm Bill. The Disaster Reserve Assistance Program (DRAP) was authorized for 1996 crop year only. Because of limited DRAP funds, a nationwide program was not authorized for 1997. (There are no provisions for increasing the fund.) However, an American Indian Livestock Feed Program was authorized for 1997 and 1998. Remaining funds may be used as warranted when severe weather conditions occur.

RECOMMENDATIONS FROM WGA'S "DROUGHT RESPONSE ACTION PLAN": AGRICULTURAL

Agriculture Recommendation #5: Alternatives to previously provided livestock feed assistance programs should be considered, such as a rangeland/pasture crop insurance program or funding for livestock transportation from forage-deficit areas.

Status: The Risk Management Agency (RMA) currently offers insurance on forage in 15 states. Over winter forage seed protection is offered in the northern part of the country. RMA is also in the early stages of developing a rangeland insurance pilot program.

FSA's Noninsured Crop Disaster Assistance Program provides assistance on forage production losses not covered by crop insurance.

There is not currently a program authorized to fund transportation of livestock from areas in which forage production is reduced.

Agriculture Recommendation #6: Banks should be provided flexibility to extend credit based on an individual's emergency situation. Such flexibility would prevent a replay of the 1980s banking crisis related to agriculture, when rural communities and the industry were downsized.

Status: USDA Guaranteed Farm Loans have always been authorized for existing as well as new debts. Historically, a substantial portion of our loan funds have been used for that purpose, particularly during the 1980s, when the USDA credit programs rapidly expanded.

The portions of loans that are guaranteed by USDA are generally not adversely classified by banking regulatory authorities, giving banks additional incentive to use guarantees as a risk control mechanism.

The comment's discussion of the role of banking regulatory authorities and the impact of bank examiners may be misleading. Bank regulators classify loans to reflect the risk in the loan portfolio; the problems referred to in the 1980s were a reflection of increased bank risk caused by unsound lending practices. Whether or not the loans were adversely classified by regulators, banks should not "roll unpaid debt and loan more on top of that" unless there is a sound basis to do so. A loan is not necessarily adversely classified when it is rolled over, compensating credit factors are taken into consideration.

Changing the regulators approach to classifying loans during a drought would not be appropriate in that it would be misleading to conceal risk in the loan portfolio from the public. One of the primary issues of regulators is to assure that the risk in banks and other lending institutions is identified and properly reported to the public.

RECOMMENDATIONS FROM WGA'S "DROUGHT RESPONSE ACTION PLAN": AGRICULTURAL

Agriculture Recommendation #7: Qualifications for the SBA's Economic Injury Disaster Loan Program should be amended to include eligibility for waterdependent recreational businesses. Status: Legislative issue #3, as identified, would resolve this issue. It should be noted, that it would take legislative approval for SBA to include the water-related business eligibility.

RECOMMENDATIONS FROM WGA'S "DROUGHT RESPONSE ACTION PLAN": WATER RESOURCES		
Water Resources Recommendation #1: Initiate or continue cooperative watershed and river basin efforts among federal, state, tribal, and local water interests to jointly evaluate and develop plans, resolve related conflicts, and establish priorities for water uses during drought.	Status: NRCS and USFS doing coordinated resource plans involving Federal, State, and private interests.	
Water Resources Recommendation #2: Continue to pursue state programs to promote water conservation and increase potentially available supplies through voluntary land fallowing and increased irrigation efficiency. Also, encourage local and regional watershed management authorities and ensure that adequate state and local planning precedes growth and development.	Status: NRCS - Using existing authorities, i.e. EQUIP, P.L 566 for watershed planning and implementation.	
Water Resources Recommendation #3: Amend the Water Resources Development Act of 1986 so that storage reallocation repayments are based on original construction costs, as provided in the Water Supply Act of 1958.	Status: Congressional action would be needed to implement this recommendation. The COE is not seeking implementation of this recommendation at this time.	
Act of 1936.	The NDMC is promoting these concepts at the regional and national levels. These ideas would be further addressed by the commission established through S222 (HR 3035) in their study.	
Water Resources Recommendation #4: Provide federal, state, and local funding to identify and study the costs and benefits of potential reservoir reoperation opportunities, and make any appropriate modifications.	Status: Reclamation, through its normal budgetary process, and with appropriate cost-sharing partners, continues to evaluate existing river basin problems and opportunities. When re-operation of existing facilities are identified and justified, appropriate documentation is developed. In some cases, this may require a re-authorization of existing projects by Congress, and possibly, renegotiation of existing contracts. This is all part of Reclamation's evaluation of water management opportunities, and not tied specifically to potential drought conditions.	
Water Resources Recommendation #5: Encourage states to revise existing laws and policies to provide a timely response to requests for revising water rights on a short-term basis.	Status: The NDMC is promoting these concepts at the regional and national levels. These ideas would be further addressed by the commission established through S222 (HR 3035) in their study.	
Water Resources Recommendation #6: Encourage states to foster the use of water banks by serving as an information clearinghouse for potential buyers or sellers, balance competing water uses, and verifying that transfers are for actual needs, while discouraging speculation during a drought.	Status: The NDMC is promoting these concepts at the regional and national levels. These ideas would be further addressed by the commission established through S222 (HR 3035) in their study.	

RECOMMENDATIONS FROM WGA'S "DROUGHT RESPONSE ACTION PLAN": WATER RESOURCES		
Water Resources Recommendation #7: Provide additional state and federal assistance for drought preparedness, response improvement, and mitigation for small communities and rural water systems.	Status: Reclamation has established, through an arrangement with the National Drought Mitigation Center, a process for providing Drought Preparedness Workshops. Two workshops have been held in 1997 in Albuquerque and Salt Lake City. Attendance at each of the workshops exceeded 100 participants. Federal, state, local, and tribal governments were represented. Three additional workshops are scheduled for the Spring of 1998 in South Carolina, South Dakota and Ohio.	
Water Resources Recommendation #8: Promote state funding for water conservation initiatives, including	Status: Through EQUIP (F.A. & T.A.) and through Conservation Operations. T.A. is available for on	

Water Resources Recommendation #8: Promote state funding for water conservation initiatives, including information dissemination, research, technical assistance for planning and program development, and incentives to implement programs.

Conservation Operations. T.A. is available for on farm water management practices.

Water Resources Recommendation #9: Place a higher priority on funding for USGS's cooperative stream gaging program and an integrated climate data collection and dissemination system.

Status: The NDMC is promoting these concepts at the regional and national levels. These ideas would be further addressed by the commission established through S222 (HR 3035) in their study.

RECOMMENDATIONS FROM WGA'S "DROUGHT RESPONSE ACTION PLAN": WILDFIRE AND FOREST HEALTH

Wildfire and Forest Health Recommendation #1: Establish a working group consisting of FEMA and US Forest Service (USFS) personnel, plus state foresters and emergency services directors, to cooperatively examine FEMA's fire suppression and fire mitigation assistance program. This group would recommend changes to ensure a responsive program for states facing wildfires during a drought. Status: FEMA is currently proposing rule changes to eliminate the 3-tiered funding system. The comment period ended January 23, 1997. There are mixed reactions from the individual western states.

Wildfire and Forest Health Recommendation #2: Each state should undertake a uniform fire planning process, promote pre-suppression identification and mapping of water resources, establish agreements with water-rights holders, and provide specialized training for firefighting on lands lacking water resources. Status: This is an on-going process unique to each state. It compliments planning for pre-suppression identification of all resources that may be needed during fire incidents. Specialized training and advancements in technology have included use of foam and wetting agents to increase the efficiency of limited water resources.

Wildfire and Forest Health Recommendation #3: The Western Council of State Forestors and the USFS should research and distribute strategies to obtain surplus equipment for western states.

Status: Electronic screening is becoming more prevalent as more states come "on-line". This may level the playing field. The primary concern has been that other agencies are getting preference over wildland fire agencies.